

महाराष्ट्र प्रादेशिक व नगर रचना अधिनियम, १९६६

चे कलम ३७ (२) नुसार मंजूर फेरवदल.

भिवंडी-निजामपूर शहर महानगरपालिकेच्या मंजूर

विकास नियंत्रण नियमावलीतील नियम क्र. ५६.२

(बी). हा नविन नियम अंतर्भूत करणेबाबत.

महाराष्ट्र शासन

नगर विकास विभाग

शासन निर्णय क्रमांक-टीपीएस-१२०५/२४३६/प्र.क्र.१०७/०६/नवि-१२

मंत्रालय, मुंबई- ४०० ०३२.

दिनांक :- १७ सप्टेंबर २००७.

शासन निर्णय :- सोबतची शासकीय अधिसूचना महाराष्ट्र शासनाच्या साधारण राजपत्रात प्रसिध्द करण्यात यावी.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नांवाने.

(अशोक बा. पाटील)

कार्यासन अधिकारी, महाराष्ट्र शासन.

प्रति,

- १) विभागीय आयुक्त, कोकण विभाग, कोकण भवन, नवि-मुंबई.
- २) आयुक्त, भिवंडी-निजामपूर महानगरपालिका, भिवंडी. जि. ठाणे.
- ३) संचालक नगर रचना महाराष्ट्र राज्य-पुणे.
- ४) उपसंचालक, नगर रचना, कोकण विभाग, कोकण भवन, नवि-मुंबई.
- ५) सहायक संचालक नगर रचना, ठाणे शाखा, जिल्हाधिकारी कार्यालय, कोर्ट नाका, ठाणे.

६) व्यवस्थापक शासकीय मध्यवर्ती मुद्रणालय, चर्नीगेड, मुंबई.

(त्यांना विनंती की, सदरची सूचना महाराष्ट्र शासनाच्या साधारण राजपत्रात प्रसिध्द करून त्याच्या प्रत्येकी १० प्रती शासनास व आयुक्त, भिवंडी-निजामपूर महानगरपालिका आणि उप संचालक, नगर रचना, कोकण विभाग, कोकण भवन, नवि-मुंबई यांना पाठवाव्यात)

(६) निवडनस्ती (कार्यासन-१२)

200802061/0303002

GOVERNMENT OF MAHARASHTRA

Urban Development Department
Mantralaya, Mumbai - 400 032.

Dated the 17th September, 2007.

NOTIFICATION

**Maharashtra
Regional and
Town Planning
Act, 1966**

No. TPS 1205/2436/CR-107/06/UD-12: Whereas the Development Control Regulations for Bhiwandi-Nizampur Municipal Corporation (hereinafter referred to as "the said Regulation") have been sanctioned by the Government vide Urban Development Department's Notification No. TPS-1299/331/CR-45/99/UD-12, dated 30/3/2001, under section 31(1) of the Maharashtra Regional and Town Planning Act, 1966 (hereinafter referred to as "the said Act") to come into force with effect from 1/5/2001. The excluded parts have been sanctioned by the Govt. vide Urban Development Department Notification No. TPS 1299/331/CR-45/99/UD-12 dated 14/8/2003;

And whereas, there are existing industries in Municipal Corporation area which are not running at present and various requests from applicant to allow to develop the land for the residential purpose are being received. There are no provision in the sanctioned Development Control Regulations;

And whereas, Government has carefully examined the provisions of other Municipal Corporations and found it expedient in the public interest to modify these regulations. Government also found it expedient to take a recourse to the provisions contained in the Section 37(1AA) of the said Act;

And whereas, Government has decided to incorporate the new provision regarding change of industrial land to Residential/ Commercial purpose (hereinafter referred to as "the said Modification") and in exercise of the powers contained in sub-section (1AA) of section 37 of the said Act, Government had issued the notice bearing No. TPS 1205/2436/CR-107/06/UD-12, dated 16.3.2006 (hereinafter referred to as "the said Notice") regarding the said modification for inviting suggestions / objections from public ;

And whereas, the said notice was published in the Government Gazette (Extra Ordinary) dated 23.03.2006 and in the news paper namely "The Asian Age (English) dated 31/3/06 & Bhiwandi Darpan (Marathi) dated 9th April, 2006;

And whereas, as per the said notice Government had appointed Deputy Director of Town Planning, Konkan Division as an officer under section 162 of the said act

(hereinafter referred to as "the said Officer") to scrutinise the suggestions / objections received grant hearing to the persons submitting suggestions / objections including Municipal Corporation of Bhiwandi - Nizampur Municipal Corporation(hereinafter referred to as "the said Corporation") and to submit his report to the Government regarding the said modification ;

And whereas, after hearing the suggestions / objections received regarding the said modification and the say of said Corporation on the suggestions / objections the said officer has submitted his report vide letter No. 389, dated 3.3.2007 to the Government (hereinafter referred to as "the said Report") ;

And whereas, after consulting Director of Town Planning, Maharashtra State Pune, Government is of the opinion that the said modification should be sanctioned with some changes ;

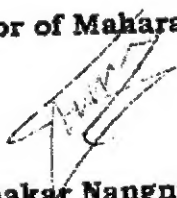
Now therefore, in exercise of the powers vested under section 37(2) of the said Act, Government hereby

A) sanction the said modification as specifically described in the Schedule A appended hereto ;

B) Fixes the date of publication of this Notification in the Government Gazette as the date of coming into force of the said modification.

C) Directs the said corporation that, in the schedule of modification, sanctioning the said Regulations, after the last entry, the schedule referred to as (A) above shall be added.

By order and in the name of Governor of Maharashtra,


(Sudhakar Nangnure)
Deputy Secretary to Government.

SCHEDULE - A

Annexure to Govt. Resolution No. TPS-1205/2436/CR-107/06/UD-12,
Dated 17th September, 2007.

New Sub Regulation No. 56.2(b) Entry shall be added after sub regulation No.56.2 (a)

Sr. No.	Rule No.	Provision published.	Proposed modification.
1	Regulation no. 56.2 (b) (1)	With the previous approval of Commissioner and on such conditions as deemed appropriate by him, the existing or newly built-up area of unit, in the industrial zone may be permitted to be utilised for an office or commercial purposes.	(a) No change.
2	Regulation no. 56.2 (b) (2)	With the previous approval of the Commissioner, any open land or lands or industrial lands in the Industrial zone. May be permitted to be utilised for any of the permissible users in the Residential zone (R-1 zone) or the Residential zone with shop line (R-2 Zone) or for those in the Commercial zone (C1 & C2 zone) subject to the following:-	(b) No change
3	Regulation no. 56.2 (b) (2) (i)	The conversion of Industrial Zone to Residential/ Commercial Zone in respect of closed industries shall not be permitted unless NOC from Labour Commissioner, Maharashtra State, Mumbai stating that all legal dues have been paid to the workers or satisfactory arrangement between management and workers have been made, is obtained. Provided that where conversion has been permitted on the basis of this certificate, occupation certificate will not be given unless a no dues certificate is granted by Labour Commissioner.	(i) The conversion of Industrial Zone to Residential/ Commercial Zone in respect of closed industries shall not be permitted unless NOC from Labour Commissioner, Maharashtra State, Mumbai stating that all legal dues have been paid to the workers or satisfactory arrangement between management and workers have been made, is obtained. However, in respect of any open land in the industrial zone, where industry never existed, NOC from Labour

			Commissioner is not required.
4	Regulation no. 56.2 (b) (2) (ii)	The layout or sub division of such land admeasuring about 2.00 Ha. shall be approved by the Commissioner, who will ensure that 5% land for public utilities and amenities like electric sub-station, bus-station, sub-post office, police out post and such other amenities, as may be considered necessary, will be provided therein.	(ii) The layout or sub division of such land admeasuring about 2.00 Ha. shall be approved by the Commissioner, who will ensure that 5% land for public utilities and amenities like electric sub-station, bus-station, sub-post office, police out post and such other amenities, as may be considered necessary, will be provided therein.
5	Regulation no. 56.2 (b) (2) (iii)	In such layouts or sub-divisions having area more than 2 ha. But less than 5 ha., 20% land for public utilities and amenities like electric sub-station, bus station, sub post office, police out post, garden, playground, school, dispensary and such other amenities shall be provided.	(iii) In such layouts or sub-divisions having area more than 2 ha. But less than 5 ha., 20% land for public utilities and amenities like electric sub-station, bus station, sub post office, police out post, garden, playground, school, dispensary and such other amenities shall be provided. Provided that atleast 50% of this land shall be reserved for unbuildable reservations such as Garden, Recreational ground etc.
6	Regulation no. 56.2 (b) (2) (iv)	In such layout of sub-division each more than 5 Ha. in area, 25% of land for public utilities and amenities like electric sub station, Bus station, sub post office, police outpost, garden, playground, school, dispensary and such other amenities shall be provided. These areas will be in addition to the recreational space as required to be provided under these regulations.	(iv) In such layout of sub-division each more than 5 Ha. in area, 25% of land for public utilities and amenities like electric sub station, Bus station, sub post office, police outpost, garden, playground, school, dispensary and such other amenities shall be provided. These areas will be in addition to the recreational space as required to be provided under these regulations. Provided that atleast 50% of this land shall be

			reserved for unbuildable reservations such as Garden. Recreational ground etc.
7	Regulation no. 56.2 (b) (2) (v)	The required segregating distance as prescribed under these regulations shall be provided within such land intended to be used for residential or commercial purpose.	(v) No change.
8	Regulation no. 56.2 (b) (2) (vi)	Such residential or local commercial development shall be allowed within the permissible FSI of the nearby residential or commercial zone.	(vi) No change.
9	Regulation no. 56.2 (b) (2) (vii)	Provision for public utilities and amenities shall be considered to be reservation in the Development Plan and transferable development rights as appendix -iv, Regulation No. 33 or FSI of the same shall be available for utilisation on the remaining land.	(vii) No change.

Following note shall be added below the above regulations:

Note:-

- I) Conversion from industrial zone to residential/commercial zone shall be applicable to the part area of the land holding subject to the condition that total area of the entire land holding shall be considered for deciding the percentage of land to be reserved of the said part area of land for public amenity spaces, as per the said regulation. However, necessary segregating distances shall be provided from industrial use.
- II) The area under reservation shall be treated in the area of required amenity space and TDR /Insitu FSI for this area will be allowed.
- III) Out of the total floor area proposed to be utilised for residential development, 20% of the same shall be built for residential tenements having built up area upto 50 sq.mt.

Modification No.2:


In Sr.No4 of table under Regulation No.32-A following proviso shall be added,

However, the area for FSI computation shall be 90% of net area (after deducting amenity area) in case of change of Industrial user to Residential user as specified in Regulation No.56.2(b).

Modification No.3:

Following proviso shall be added in Sr. No.13 of Appendix-IV
(Regulation 34).

FSI of the receiving plot in the area of permission under regulation NO M-6.1 Note-2(L)(vi) may be allowed to be exceeded upto 100% of FSI of the said plot area excluding area under road widening or new road without deducting amenity space by way of development rights in respect of the land surrendered for public utilities and amenities to the planning authority in pursuance of the development permission as per regulation No.55A.


(Sudhakar Nangnure)
Deputy Secretary to Government